(c) where are they accommodated;
(d) will the respective Governments bear the cost ?

Mr. P. Govinda Menon *(Prime Minister)*:
(a) No.
(b), *(c)*, *(d)* Do not arise in view of answer to *(a)* above.

PREVENTIVE MEASURES AGAINST TYPHOID FEVER

19. Mr. K. T. Achuthan *(Mukundapuram-Ezhuvas):* Will Government be pleased to state.—

(a) what is the total number of in-patients with typhoid fever in the hospitals and dispensaries of the State in the years 1121 and 1122;
(b) how many cases proved fatal;
(c) do the Government intend to introduce anti-typhoid innoculation compulsory and universal in the State in view of the serious nature of the disease ?

Rao Bahadur T. K. Nayar *(Minister for Home Affairs)*:
(a) 1121 .. 1716
1122 .. 1897
(b) 1121 .. 154
1122 .. 173
(c) No. Government encourage voluntary innoculation and use only persuasive methods to achieve the purpose.

2. OPENING STATEMENT BY THE PRESIDENT

Mr. President: Hon'ble Members, before proceeding further with the business of the House, I just wish to say a few words about the unfortunate disturbances that occurred last evening and which necessitated the adjourning of the Council yesterday. I presume that the Hon'ble Members themselves would feel strongly the indignity that has been offered to this House, the highest and the most august body in the State, and that we all agree that it is the duty of every one of the members to see that the dignity of this House is preserved and the sanctity of the House is not violated by anybody. The powers of the President, as you know, are very much limited in this respect and I have only to request the Hon'ble Members to co-operate in such ways as are open to them to see that the dignity of this august body is always preserved and its sanctity is in no way violated. I place this matter for the earnest consideration and reflection of the Hon'ble Members.

Mr. K. Balakrishna Menon *(Cheruthuruthi):* Are we to make our suggestions, Sir. We would like to know what the Chair exactly expects us to do in this matter.

Mr. President: I do not think it is necessary to carry on a discussion on this matter. So we can proceed with the next item.

3. ADJOURNMENT MOTIONS

Mr. President: The adjournment motion by Mr. S. S. Koder is not in order. Then there are 9 Adjournment Mations from Mr. P. Kumaran Ezhuthassan and one from Mr. M. I. Paul, i.e. altogether 10. With regard to these Adjournment Motions some of them are not in order, some of them are in order. Regarding some of them I have no doubt they are out of Order. Those about which I have certain doubts I would like to have the views on their admissibility. The first is to discuss an urgent matter of public importance to wit namely the extremely difficult situation arising from the cut in rations recently introduced by them causing great distress to the poor of the State. That is one and a similar one from Mr. M. I. Paul to find out ways and means to get over the present shortage of food in the State. That is a motion very similar to the first.

Mr. M. Sivarama Menon *(Constitutional-Advisor):* With regard to the first motion mentioned by the Hon'ble President I think that the motion relating to the cut in rations appears *prima facie* to be in order.

Mr. President: Extremely difficult situation arising from the cut in the rations. . . .

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Mr. M. Sivarama Menon *(Constitutional-Adviser)*: Under S.O. 13 (1) Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be asked for. If there has been a cut in the rations quite recently as has been stated herein, it is a matter of public importance and of recent occurrence.

Mr. President: So the Hon'ble Member means that it is a recent cut? I think in all fairness to the Hon'ble Member that it must be conceded that it is a matter of recent occurrence. So this may be admitted.

Mr. M. Sivarama Menon *(Constitutional-Adviser)*: With regard to Mr. Paul's motion there is another aspect namely to find out ways and means to get over the present shortage of food in the State. That is not a matter of recent occurrence because ever since the war this has been the situation. The other motion relates to the recent cut in rations. Mr. Paul's motion seeks to find out ways and means to get over the present shortage of food in the State. The general feature of the motion is the problem of food which has been confronting us all along.

Mr. President: Probably the Hon'ble Member means the present shortage.

Mr. M. I. Paul *(Narakkal)*: I do not mean the present cut but the shortage of production of food in the State.

Mr. President: Is it a matter of recent occurrence? What has Hon'ble Member to say? For the admissibility of the motion it must be a matter of recent occurrence.

Mr. M. I. Paul *(Narakkal)*: It is a matter of recent occurrence, that is the shortage, not the continued shortage but the present cut.

Mr. President: Anyway the first motion is admitted and in the light of the explanation given by Mr. Paul that also may be tagged on to this and brought in the discussion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Which is the motion to be discussed now, Sir.

Mr. President: Mr. P. Kumaran Ezhuthassan's motion will be discussed. There is a motion to wit the grave situation that has arisen out of the continued suspension in which as many as 17 students of the Maharaja's College, Ernakulam have been placed, adversely affecting their studies and creating grave concern amongst the public.

Mr. M. Sivarama Menon *(Constitutional-Adviser)*: That matter is under the control and jurisdiction of another statutory authority and in the light of the Parliamentary Procedure it is out of order.

Mr. President: I am of that opinion. It is under the control of another statutory authority at present.

Mr. Parambi Lonappen *(Irinjalakkuda)*: Sir, what is the Statutory Authority.

Mr. M. Sivarama Menon *(Constitutional-Adviser)*: The question of the expulsion of the students is within the powers of the University of Madras. That is the position. Therefore, it does not fall under the administrative responsibility of the Government of Cochin.

Mr. President: Before coming to a conclusion, I suppose that the Hon'ble Member's contention is that it comes under the authority of another body and therefore according to the parliamentary procedure followed in the House of Commons the motion is not in order.

Mr. M. Sivarama Menon *(Constitutional-Adviser)*: Yes, Sir.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, can I be heard on this point Sir? I am sorry I cannot agree with the exposition of the subject by the Constitutional Adviser. What is my motion? If he has properly studied the motion this objection will not come from him, I am sure. And I do not want this Government to override the authority of the University or the syndicate or the Vice Chancellor in this matter. The subject-matter of my adjournment motion is this: To wit the grave situation that has arisen out of the continued suspense in which as many as 17 students of the Maharaja's College, Ernakulam have been placed.

Mr. President: You refer only to the mental effect on the students.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: It is a bundle of so many unhappy feelings, Sir, mental, spiritual, physical, and so many other things and then there is another

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portion adversely affecting their studies and creating grave concern among the public. That is the subject matter of my adjournment motion. The University has nothing to do with it. But the Cochin Government has much to do in the matter. That I can show if kindly, with your co-operation and because of the importance of the subject this matter is allowed to be discussed and I do not want to speak one word against the attitude of the Government in this matter. I may probably accept the position that they are taking. The only point raised was that the subject matter of the Adjournment motion is within the jurisdiction of somebody else, I submit is not true to the fact of the adjournment motion worded as it is.

Mr. President: As far as I can say the re-admission of the students to any college is in the hands of the University authorities. But the matter of suspension and the feeling of the students you do not refer to the University.

Mr. P. Kumaran Ezuhthassan *(Vadakkancheri):* I don't think that the feelings of the students have anything to do with the adjournment motion. The purpose of the motion is to chastise the Government or to bring the Government to a proper sense of responsibility, in a matter of public importance and of recent occurrence. Here the Adjournment motion relates to the grave situation that has arisen on account of the continued suspense on account of the mental feelings of certain individuals. Government can be said to be concerned with these feelings or to have been bound to control that situation arising from this suspense, if Government had authority to do something.

*Mr. M. Sivarama Menon *(Constitutional-Adviser)*: I beg to submit again that the matter out of which the alleged feelings have arisen is within the sole and exclusive jurisdiction of another Statutory body and that it does not involve the administrative responsibility of the Government of Cochin to entitle the question being raised by an adjournment motion on the floor of this House.

Mr. President: So that is the pros and cons of the motion. There is one motion to be admitted and about this motion I will think over and give a decision later.

The next is about the necessity of immediately appointing an impartial committee of non-officials to inquire into the lamentable incidents that took place on the night of the 14th August and on the 19th August 1947 in the Maharaja's College. Is not the matter subjudice?

Mr. M. Sivarama Menon *(Constitutional-Adviser)*: Yes, Sir, as was explained by me yesterday, if a police inquiry is being conducted into an incident and the first information report has been sent to the Court, the matter becomes subjudice. There is a decision of the High Court on the point. The moment the F. I. R. reaches the Court, it begins to have seisin of the case. Here the motion is that there must be an impartial committee of non-officials to enquire into the alleged lamentable incidents when the Police who are entitled under the Criminal Procedure Code to take appropriate action are already enquiring into it. The Court is in seisin of this case at this juncture.

Mr. Parambi Lonappen *(Irinjalakkuda):* I want to know from the Constitutional Adviser, what is the High Court decision he is referring to? And does it say definitely that any statement of fact relating to a case after it has once been filed before the police during the investigation stage will be contempt of court?

Mr. M. Sivarama Menon *(Constitutional-Adviser):* In Cochin Law Reports, 1121, XXXVII Cochin, at page 491, the relevant passage occurs.

With reference to private complaints it is settled law, or at any rate there is a large preponderance of judicial opinion, to the effect that taking cognisance of the crime occurs as soon as the Magistrate reads the complaint and even before he examines the complainant which he is bound to do. I fail to see why it should be otherwise when the statement of facts constituting the crime is submitted in writing by Police. Almost invariably such reports relate to graver offences than what private complaints might contain. In my view it would be anomalous if different rules or considerations are to apply to private complaint and a Police report satisfying the requirements of section 168 (b). I would, therefore, hold that a criminal prosecution is launched and there would be a case pending in a court from the moment the court receives a proper First Information Report and takes the necessary action on it."

*Speech not corrected by the Hon'ble Member.

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Mr. Parambi Lonappen *(Irinjalakkuda):* Does it mean that it is contempt of court?

Mr. M. Sivarama Menon *(Constitutional-Adviser):* Yes. If prejudicial comments are made on the case.

Mr. Parambi Lonappen *(Irinjalakkuda):* In what a wonderful way you are misleading us!

Mr. M. Sivarama Menon *(Constitutional Adviser):* I really regret that the Hon'ble Member has stated that I am misleading. I fully believe that if the Hon'ble Member would read this decision very carefully in the light of the facts set out in the case he will, agree with me that any statement calculated to prejudice mankind or calculated to influence the decision of a court of law or which is likely to prejudice the evidence of a witness, would be contempt. In dealing with the necessity for a non-official enquiry, you are inevitably led to comment on facts which are or may be in dispute at the trial.

Mr. Parambi Lonappen *(Irinjalakkuda):* Will you kindly give me the page number and the volume ?

Mr. M. Sivarama Menon *(Constitutional Adviser):* I have just referred to it. Cochin Law Reports, 1121, Vol. XXXVII, page 491.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I pray, Sir, that I may be heard and I think I can convince my Hon'ble friend the Constitutional Adviser that my position is correct. and he will agree with this.

Sir, it is contended that the appointment of a non official committee which alone is the subject matter of the adjournment motion.....

Mr. President: It is not a committee in the vacuum but a committee for some other purpose.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I do not ask for a Committee in the vacuum. My purpose is appointing an impartial committee one qualification, of non-officials (another qualification) to enquire into the lamentable incidents that took place on 14th August and 19th August 1947 and submit a report to Government with all its confidential chests. Now what is sought through the adjournment motion is the appointment of a committee as described therein for the purpose of doing the things mentioned therein and after finishing their labours to submit a report to the Government of the day—and submit a report to be in their keeping till such time that they can act upon it. Therefore the fact that there is an F.I.R. sent to somebody, some magistrate, and there is the possibility either of the case being prosecuted, witnesses examined and findings arrived at or the case being sent to the black book, whatever it is, the existence of such things therefore cannot stand in the way of the appointment of the committee. If the Government is, for reasons best known to them, averse to the appointment of such a Committee fearing consequential happenings, barring that, the appointment of a committee would work contempt of court, for the reason that there is an F. I. R. On the subject that this committee is to enquire, they will be calling for witness or persons will be offering themselves as witnesses and findings of the committee will be submitted to the Government and supposing that the Government cannot constitute a committee at that time in the environments of the moment, though they cannot be given out, they can keep it in one of the recently manufactured confidential boxes for which supplementary grant was asked for only the other day and bring it out only when they find it necessary without any fear of contempt of court. That is my submission, Sir. I fail to see how the Constitutional Adviser says that the appointment of the committee will work contempt of court. I, therefore, submit the motion may be admitted.

Mr. President: So the Hon'ble Member's suggestion is that while this matter is being proceeded with in the court simultaneously the committee will enquire into the matter. I am of opinion that the motion is out of order.

Next is to discuss a matter of public importance, namely the difficult situation arising out of the changes introduced in the distribution of cloth on the ration card system.

Mr. M. Sivarama Menon *(Constitutional Adviser):* I believe, Sir, that it is in order, because I myself read a notification in the Deepam that some changes have been introduced in the system of distribution of cloth.

Mr. President: The next is to discuss the urgent necessity of reducing the amount of fee fixed for the issue of Certificates of Naturalization.

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Mr. M. Sivarama Menon *(Constitutional Adviser):* I do not find any serious objection to.....

Mr. President: I myself am of the opinion that it is not a matter of urgent public imporance for an adjournment motion in this Council.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Is it admitted?

Mr President: No. The position is this. I would like to explain the point. When it is so patent to the President that an adjournment motion is out of order, there is no need of bringing it over here and discussing over its admissibility and taking the time of the House. The President is also a human being; so rightly or wrongly if the President feels that the motion is clearly and obviously out of order, the admissibility will not be discussed. But if the President, feels doubt about the admissibility of a motion, the point is discussed, the motion is read out in the Council, for this purpose. So in order to be fair to the Hon'ble Members who send the adjournment motions, I may say that if I feel the slightest doubt, over its admissibility, I make it a point to bring it to the House and discuss the matter. In this particular instance the point of its inadmissibility was plain to me and I therefore decided that it is not in order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* But in the light of what the Constitutional Adviser said I heard him saying that there is nothing.

Mr. M. Sivarama Menon *(Constitutional Adviser):* I did not finish the sentence.

Mr. P. Govinda Menon *(Prime Minister):* May I submit that so long as there is no statutory limit to the number of motions that a member can move, as a safeguard a summary dismissal is most necessary in the interest of the Council.

Mr. President: It is not because of the great number of motions that I came to this conclusion. Of course the Hon'ble Prime Minister's suggestion is very valuable. When there is a bundle of papers coming to my Chamber demanding decision on adjournment motions at Quarter past 11 I am put in a very difficult situation. But I am not scared by that. But from the practical side of it especially in such a situation when a motion is patent to the mind of the President that it is not in order, in that circumstance it is ruled out of order. I think I need not take more time to discuss and argue on this point.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is unfortunate that the Constitutional Adviser said that there is nothing wrong about it.

Mr. President: As far as I understand he volunteered a remark and there is nothing wrong about it. But I have already come to the conclusion that it is out of order and simply because the Constitutional Adviser said something about it I am not going back on my decision.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* We are at your mercy. I bow to it.

Mr. President: There is no mercy with the Chair. It is only justice. Will the Hon'ble Member please explain how it is a matter of recent occurrence?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am obliged to the Chair for the kind permission given to me to explain. I ought to have worded the motion "to censure the Government" but I have been charitable to word the motion as "to urge upon the Government". How I submit that this is of recent occurrence is that from the day on which this report nanely the Franchise Committee Report was submitted *i. e.* one year and two days ago, as I find from the report, we were expecting orders, we had a right so to expect, especially as it was a matter upon the decision of which will depend the nature of elections to be held which, we are promised, will be had in the normal time *i. e.*, in Edavam 1123. So I placed this motion before the Chair yesterday at 11-12. At 11-11 I was under the impression that the Government orders will be issued and that was my impression every day, and if this motion had not been placed before the Chair yesterday and if I had placed it only to day I would be arguing that I was under the impression that it will be issued to-day. I was thinking that they will be issuing orders at least during the course of the session especially when the election is so very near. Therefore I shall argue that the matter is of recent occurrence, that the dereliction of duty of the Government is something which occurs from day to day and from moment to moment.

Mr. P. Govinda Menon *(Prime Minister):* A continuing offence!

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Yes exactly that. That being so, I ought to have worded the motion 'to censure the Government' but my chairty made me to word it as 'to urge the Government'. In my humble view the motion is perfectly in order.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: Even if it is assumed that there is a continuing grievance upon a particular matter it does not satisfy the requisite conditions which lay down that it should be upon a matter of recent occurrence. Admittedly the Franchise Committee reported a year ago and the delay in passing final orders is due to the fact that ever so many aspects have to be considered in several details. Therefore it does not really satisfy the test of being of recent occurrence. Further if the Chair will kindly permit me, I can readily explain the delay, by which a discussion can be obviated. The report of the Franchise Committee was considered by the Constitutional Advisory Committee and apart from the decisions that have been taken by the Constitutional Advisory Committee, the Cabinet has seriously considered some of the questions at the last Cabinet meeting on Saturday and we all expect that final orders will be issued in as short a time as possible. The fact that these orders have not been issued has in no way hindered the progress of the election work by the Chief Election Officer. The preliminary stages for the election are being attended to by the Chief Election Officer.

Mr. K. Balakrishna Menon *(Cheruthuruthi)*: What about delimitation?

Mr. M. Sivarama Menon *(Constitutional Adviser)*: I am not disclosing a secret when I say that if the Constitutional Advisory Committee were to take up the work of delimitation, it will be a difficult task to be got through in a short time. Therefore Government propose to take the advise of some Members of this House and some other non-officials by constituting a Committee to make a report on the delimitation of the severel constituencies in Cochin State, which will come into being under the new constitution. I am not entitled to announce now, the personnel of the committee but I may say that the matter will be pushed through as early as possible.

Mr. K. Balakrishna Menon *(Cheruthuruthi)*: Will the Committee also be announced?

Mr. M. Sivarama Menon *(Constitutoinal Advisor)*: Yes in the course of the week.

Mr. President: The report of the Franchise Committee was submitted more than a year ago as stated in the motion. I am of opinion that this does not satisfy the condition of recent occurrence as contemplated in the rules. The motion is therefore out of order.

The next motion is to bring home to the Government the extremely serious situation that is sure to arise from the decision of the teachers of aided primary schools in the State to strike and to suggest to the Government ways and means of avoiding the impending catastrophe. It is a future catastrophe—the Hon'ble Member may explain.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, it is suggested that it is a future catastrophe. As wise men which we claim we are, and because we are led by a ministry to-day when we see the sureness of the most calamitous catastrophe viz., as many as 5,000 persons into whose hands the destinies of our children, the next generation, are entrusted, when they have assured the Government.....

Mr. President: It is not the question of desirability or otherwise, we are on the question of admissibility according to the rules. Is it a matter of recent occurrence?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Yes, Sir, it is of very recent occurrence. The decision by the Teachers' Association was taken last week at Trichur and it has been announced in all the papers that there will be a token strike on a particular day, very soon and after that, a regular strike, continuing strike, from the first of Makaram. Teachers, educated gentlemen, minds not contaminated because they are teachers, they vowed solemnly that they will act, and when a teacher says that he will act it means the action is there sure to follow. It is with that eye that I look at the teacher. So, though there is a futurity about it, to say that it is not proper to discuss about it and if a situation arises unfortunately due to the bunglings of the Government, it will be a calamitous thing. My intention, through this motion. Sir, is to place before the Government of the day certain suggestions and proposals which the Government of the day cannot but accept if they are worh that name and thereby avoid that catastrophe.

Mr. President: It is clear from the Hon'ble Member's explanation that the subject matter is not directly the decision of the teachers' association or teachers' meeting which was held recently. Here directly the subject matter is a future event that is going to occur. There is

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no provision in the standing orders or rules or any where else dealing with impending or future occurrences. Therefore this motion as worded is not admissible under the existing rules.

The next is to press upon the Government the urgent necessity of thoroughly reorganising the Huzur Secretariat as to put an immediate stop to the conduct of the staff of the Secretariat that had been the subject matter of the recent circular by the Chief Secretary regarding a file that had been missing in the office for nearly a month.

Rao Sahib A. Madhava Prabhu *(Chief Secretary to Government)*: A file was misplaced. It could not be traced out for a few days and afterwards it was traced out.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Not for a few days but for a month.

Rao Sahib A. Madhava Prabhu *(Chief Secretary to Government)*: Sometimes it happens that certain files have to be circulated amongst the Ministers, amongst the Secretaries and the files will have to go from shelf to shelf.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: On a point of order, Sir, is the Hon'ble Chief Secretary opposing the motion.

Mr. President: No. We are now on its admissibility. How is it of urgent public importance?

Mr. P. Kumaran Ezhuthassan *(Vadakancheri)*: Sir, the unfortunate file, the important file the urgent file, was missing since 6th September 1947.

Mr. M. K. Raja *(Mulakunnathukavu)*: What is the file about?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Better not to disclose its nature.

Mr. President: We are on a general question. When a file is missed either in the Huzur Office or anywhere else should it be made the subject matter of adjournment motions?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I shall show you Sir, that it ought to be. I began by saying that the file was missing from 6th September 1947. That is a fact which will not be denied. It is not misplacing of a file which may out of negligence occur, inexcusable though. But here, Sir, the circular if it will be disclosed, as reported in the papers, partial disclosure is already over, contains a direction to suspend the normal activities of the Secretariat with a view to see that the whole body of the Secretariat—an unduly large number—may be engaged in the search and the result reported to the Chief Secretary that evening; consequence follows; unless it is before him—not the report—unless the missing file, whether it is actually missing or not, whether it is eaten by white ants or not—convenient things—unless it is placed before him, the Chief Secretary the circular says, he will hand over the matter to the police for investigation, just like the College question has gone to the police for investigation. So I suggest the remedy, is to re-organise the Secretariat, as to see that a recurrence of this nature may not occur. I submit that this is a matter of extreme serious importance because the Secretariat is the brain of the administration and in the brain, if such things occur, it is very dangerous, Sir. Therefore it is of very urgent importance, of public importance. The circular, I believe, Sir, was dated 27 days subsequent to the date of missing.

Rao Sahib A. Madhava Prabhu *(Chief Secretary to Government)*, I have already stated what took place. One file was not found when it was wanted. When the matter came to my notice I issued a circular that every clerk in the office, every Superintendent, every Secretary must try to find it out—I did not first fix the time—I said it must be found out and placed before me of course, it went from table to table and probably every body attempted to find out whether it was there. The attempt was not successful. This went on for three or four days but I was not satisfied. I wanted that I must get the file some how or other and fixed a time limit. Whatever may be the work that any clerk or anybody had to attend to, I said I must get that file before 5 O'clock that evening. Such a circular was sent. Till the evening I got no information. Nobody was able to trace out the file. The next day the file was found.

Mr. Parambi Lonappen *(Irinjalakkuda)*: We congratulate you.

Rao Sahib A. Madhava Prabhu *(Chief Secretary to Government)*: There the matter ended. There is nothing else.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Did not the circular contain a direction, a threat that unless the file was traced out the matter would be handed over to the police for investigation?

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Rao Sahib A. Madhava Prabhu *(Chief Secretary to Government):* I cannot say whether in the paper that was circulated there was such a threat.

Mr. P. Kumaran Ezhuthassan *(Vadakancheri):* Was there not such a threat?

Rao Sahib A. Madhava Prabhu *(Chief Secretary to Government):* I can't say.

Mr. P. Kumaran Ezhuthassan *(Vadakancheri):* I contradict that statement.

Mr. Parambi Lonappen *(Irinjalakkuda):* We congratulate you for tracing out that file.

Mr. P. Kumaran Ezhuthassan *(Vadakancheri):* Was there not a threat of handing over for police investigation, in paragraph 2?

Rao Sahib A. Madhava Prabhu *(Chief Secretary to Government):* I cannot say; I speak to the best of my recollection. I have not got it before me.

Mr. P. Kumaran Ezhuthassan *(Vadakancheri):* Nor have I?

Mr. President: Hearing the pros and cons, it is a matter of recent occurrence, but it is not of such urgent public importance as to be the subject matter of an adjournment motion in this House. I therefore rule it out of order.

The next one is to discuss the unsatisfactory nature of the order recently passed by the Government on the Pay Revision Committees' report. The Hon'ble Member may explain.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, The orders were not passed during the last session. They were passed subsequent to the adjournment of the Council. We meet after the passing of the orders only now. The orders are extremely unsatisfactory and give room for nepotism, favouritism.....

Mr. President: Order, order, we are only on the question of admissibility.

Mr. P. Kumaran Ezhuthassan *(Vadakancheri):* The motion relates to the calamity that will occur to the State as a result of having a discontented service.

Mr. President: That is about the future.

Mr. M. Sivarama Menon *(Constitutional Advisor):* The motion is too vague. It cannot form the subject of a definite matter for discussion. It says "the unsatisfactory nature of the orders passed by the Government....." Several orders might have been passed by Government.

Mr. P. Kumaran Ezhuthassan *(Vadakancheri):* I am referring Sir, to the final orders passed. I am referring to the voluminous book which was published, just a few days ago.

Mr. President: As matters stand, I want to consider about this. Another motion that I have reserved for consideration is that relating to.....

Mr. M. K. Raja *(Mulakunnathukavu):* May I know when the orders on the Pay Revision Committee Report were passed by the Government?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Shall I give the information, Sir, to the Hon'ble Member? On 31st Karkadagam 1122 were the orders in question passed.

Mr. M. K. Raja *(Mulakunnathukavu):* When there is time to send an ordinary motion to the Legislative Council Secretary for being discussed here, there is no point in bringing an adjournment motion.

Mr. President: What is the point of the Hon'ble Member? The orders were passed at such a time when the Hon'ble Member had sufficient time to send in an ordinary motion. Is it not so?

Mr. M. K. Raja *(Mulakunnathukavu):* It was during the last budget session that the orders were passed.

Mr. P. Kumaran Ezhuthassan *(Vadakancheri):* After some days after the session was prorogued.

Mr. P. Govinda Menon *(Prime Minister):* On 31st Karkadagam 1122.

Mr. M. K. Raja *(Mulakunnathukavu):* Even then, he could have sent in a resolution or an ordinary motion. There was enough time for that.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I did not think that an ordinary motion would be sufficient for this extraordinary matter.

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Mr. President: As it now stands, there are two motions that are clearly admissible—one about food and the other about the difficulty to get cloth. These will be taken up on the afternoon of non-official days, the first one on Thursday and the second one on Saturday.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, if I am going to be fortunate by tomorrow to have the other two motions also admitted on due consideration by the Chair, there will be four motions for discussion and there are four days more, inclusive of today for the Council as now fixed. The inevitable consequences of the admitted motions being taken up on the last two days would be that if the other two are admitted, they won't come up at all. As used to be done previously, these two admitted motions may be put down for today and for tomorrow and in the event of the fortunate admission of the other two, they may lie over for any one of those days or both the days. That is the suggestion which I place before the Chair. And I place this request on the ground of precedents of this House, the latest being the discussion on food—an ajournment motion upon, I think, the demand for General Administration.

Mr. President: These two days are Government days set apart for Government business.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: The Government do not wish to stand in the way, of admitted adjournment motions being discussed. If the Hon'ble President so decides, one motion may be taken up today and the other tomorrow, because only one motion can be discussed on a day.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*; Sir, nobody wants time for preparation. The Government do not want time. So, let it be today.

Mr. C. S. Panicker *(Ezhuvas Trichur)*: Has the Hon'ble Member got the leave of the House?

Mr. President: Nobody opposed.

Mr. P. K. Dewer *(Nominated)*: We were not asked, Sir.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Such remarks coming from the Deputy President !

Mr. President: The first adjournment motion will be taken up tomorrow and the other the next day.

Mr. Parambi Lonappen *(Irinjalakkuda)*: Tomorrow at what time, Sir?

Mr. President: As usual at 3-30 p. m.

4. DEMANDS FOR SUPPLEMENTARY GRANTS *(cont.)*

23—Education—11—Miscellaneous *(cont.)*

Mr. P. Govinda Menon *(Prime Minister)*: The first motion was under discussion yesterday.

Mr. President: The question is that the Government be granted a sum of Rs. 1,000 under "23—Education-11—Miscellaneous—4—Grants, Contributions and Scholarships—Contribution to Medical and Engineering Colleges".

Demand put and carried

(ii) 26—Medical—Medical Proper—Temporary Establishment

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: Sir, I move for a supplementary grant of Rs. 2,200 under "26—Medical Proper-temporary establishment". The Chief Medical Officer, the head of the Medical Department is purely a technical officer unlike many other heads of departments. The Civil Surgeons and Assistant Surgeons, who are in charge of subordinate institutions, are also technical officers like the Chief Medical Officer. They too have not got adequate administrative experience. Consequently the Administrative side of the department does not receive proper attention and supervision. The Medical Department is spending about 15 lakhs of rupees a year through the various medical institutions. From experience it is found that better supervision and control is necessary in the administrative activities of this big department. Therefore, it is proposed to appoint an administrative Assistant to the Chief Medical Officer immediately, on a grade of Rs. 175-5-200-10-300 per mensem to look into the administrative details of the department. The necissity for creating such a post was being felt for some time past. But certain irregularities detected recently in the working of the department led to the conclusion that the proposal cannot be postponed any longer. I request that the House may be pleased to sanction the grant.

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